

MEETINGS TO DATE 21  
NO. OF REGULARS 18  
NO. OF SPECIALS 3

LANCASTER, NEW YORK  
SEPTEMBER 20, 1976

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 20th day of September, 1976 at 8:00 P.M. and there were

PRESENT:           STANLEY JAY KEYSA, SUPERVISOR  
                    JOSEPH R. BARNHARDT, COUNCILMAN  
                    EDWARD A. BERENT, COUNCILMAN  
                    PETER J. BOLENDER, COUNCILMAN  
                    ARTEL J. METZ, COUNCILMAN

ABSENT:           NONE

ALSO PRESENT:     ROBERT P. THILL, TOWN CLERK  
                    DOMINIC J. TERRANOVA, TOWN ATTORNEY  
                    RICHARD J. SHERWOOD, DEPUTY TOWN ATTORNEY  
                    EDWARD J. FERON, JR., TOWN ENGINEER  
                    JOHN F. LUME, HIGHWAY SUPERINTENDENT  
                    VICTOR H. OTT, POLICE CHIEF

BID OPENING SCHEDULED FOR 8:00 P.M.:

At 8:00 P.M. the Town Board considered sealed proposals for furnishing to the Town of Lancaster all labor and materials for development of PHASE 1 of WALDEN POND PARK.

ON MOTION BY COUNCILMAN BOLENDER, AND SECONDED BY COUNCILMAN METZ AND CARRIED, by unanimous roll call vote, the time for receiving the aforesaid proposals was closed at 8:00 P.M.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

The following proposals were received:

<u>BIDDER</u>	<u>BID</u>
Custom Top Soil Inc. 320 Lossom Road Cheektowaga, New York 14227	\$158,407.00 Base 22,500.00 Alt.
Site Contractors, Inc. S. 3480 Benzing Road Orchard Park, New York 14127	\$120,675.00 Base 6,200.00 Alt.
Lawnscap Construction Co., Inc. 976 Maple Road Williamsville, New York 14221	\$131,854.00 Base 4,800.00 Alt.
Star Landscape Inc. Conley Road Elma, New York 14059	\$157,654.00 Base 11,700.00 Alt.
Depew Development, Inc. P.O. Box 28 Depew, New York 14043	\$144,000.00 Base 5,000.00 Alt.

ON MOTION BY COUNCILMAN BERENT, AND SECONDED BY COUNCILMAN BARNHARDT AND CARRIED, by unanimous roll call vote the aforesaid proposals were ordered turned over to A. Russell Tryon for examination, tabulation, and recommendation.

Later in the meeting, Mr. Tryon reported back to the Board that he had completed his examination and tabulation and that it is his recommendation that a contract award be made to Site Contractors, Inc. of Orchard Park, the lowest bidder.

The Town Board at that time adopted a resolution awarding the contract to Site Contractors, Inc. of Orchard Park, New York.

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M. the Town Board held a Public Hearing to hear all interested parties and citizens for or against the Rezone Petition of Macaluso Building Corp.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed Certified Mail, Return Receipt Requested, to the Petitioner, the Erie County Department of Planning, the Town Clerk of the Town of Cheektowaga, and the Chairman of the Recreation Commission, notifying these individuals of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Department of Planning wherein the Department acknowledged receipt of a Notice of this Public Hearing and commented as follows: "The Erie County Planning Division has no objection to this request. The Erie County Department of Environmental Quality (DEQ) has not had an opportunity to review this request. Comments received from DEQ will be forwarded upon request".

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending approval of the proposed rezone.

PROPONENT

Sam Macaluso, President,  
Macaluso Building Corp.

ADDRESS

244 Aero Drive  
Buffalo, New York 14225

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN BERENT AND CARRIED, by unanimous roll call vote, the Public Hearing was closed at 8:20 P.M.

The Town Board at this time adopted a resolution hereinafter spread at length in these minutes approving the rezone petition of Macaluso Building Corp.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M. the Town Board held a Public Hearing to hear all interested parties and citizens for or against the Special Tennis Club Use Permit Application of Macaluso Building Corp.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed Certified Mail, Return Receipt Requested, to the Petitioner, the Erie County Department of Planning, the Town Clerk of the Town of Cheektowaga, and the Chairman of the Recreation Commission, notifying these individuals of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Department of Planning wherein the Department acknowledged receipt of a Notice of this Public Hearing and commented as follows: "The Erie County Planning Division has no objections to this request. The Erie County Department of Environmental Quality (DEQ) has not had an opportunity to review this request. Comments received from DEQ will be forwarded upon request".

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending approval of the proposed Special Tennis Club Use Permit.

The Town Clerk presented these further communications relative to this Public Hearing: Mr. Peter Hatt, 4779 Transit Road, Lancaster, New York, asked questions of the Board relative to the location of the proposed Tennis Center.

PROPOSERS

NONE

OPPOSERS

NONE

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN BERENT AND CARRIED, by unanimous roll call vote, the Public Hearing was closed at 8:35 P.M.

The Town Board at this time adopted a resolution hereinafter spread at length in these minutes granting the Special Tennis Club Use

OFFICIAL REPORTS:

The Town Clerk reported that the following Boards, Commissions, Bureaus, and Committees of the Town of Lancaster have filed with him minutes or memorandums of their meetings as follows:

Planning Board

Meeting # 14 - September 1, 1976

Recreation Commission

August 19, 1976

COMMITTEE REPORTS:

Supervisor Keysa reported that he is currently negotiating with the Buffalo City Controller for investment of idle funds of the Town of Lancaster in short term obligations of the City of Buffalo.

PRESENTATION OF RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board  
held on September 7, 1976, as presented by the Town Clerk, be and hereby are  
approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES
COUNCILMAN METZ	VOTED	YES

~~and~~  
The resolution was thereupon unanimously adopted.

September 20, 1976

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER , TO WIT:

WHEREAS, by letter of September 16, 1976, the Lancaster Environmental Conservation Commission has requested authorization for four of its members to attend an Environmental Planning Lobby Conference to be held in Albany, New York, on October 2nd and 3rd, 1976, and

WHEREAS, it is deemed in the public interest that such authorization be granted,

NOW, THEREFORE, BE IT

RESOLVED, that Mr. Winiecki, Mr. O'Neil, Mr. Varga and Mr. Cardwell of the Town of Lancaster Environmental Conservation Commission be and hereby are authorized to attend the aforesaid conference on the aforesaid dates, with reimbursement for actual and necessary expenses not to exceed \$100.00 per member attending, plus mileage for one person.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES
COUNCILMAN METZ	VOTED	YES

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The resolution was thereupon unanimously adopted.

September 20, 1976

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, a 55 mile per hour speed limit is presently in effect  
on Ransom Road in the Town of Lancaster from Broadway north to the  
intersection of Walden Avenue, and

WHEREAS, the Police and Safety Committee of the Town Board of  
of the Town of Lancaster deems it in the public interest that a survey and  
evaluation of the existing 55 mile per hour speed limit be made

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby  
requests the New York State Department of Transportation to survey and  
evaluate the existing 55 mile per hour speed limit on Ransom Road in the  
Town of Lancaster from Broadway north to the intersection of Walden Avenue,  
with a view towards lowering the speed at which vehicles may proceed, and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster be and is  
hereby authorized and directed to complete and execute Form TE9 (1/68)  
and forward it to the Erie County Department of Public Works, Division of  
Highways, with a request that the County of Erie join with the Town of  
Lancaster in this request.

The question of the adoption of the foregoing resolution was  
duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

~~xxx~~

The resolution was thereupon unanimously adopted.

September 20, 1976

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ , TO WIT:

WHEREAS, the Town Board, on behalf of all the Special Districts and Special Improvement Districts upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of benefits conferred, has duly prepared detailed estimates in writing of the anticipated revenues and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same, and

WHEREAS, the Town Board has assessed the amount of said estimates on the several lots against which the expense of the improvement was charged in proportion to the amount of benefit conferred, and

WHEREAS, Assessment Rolls were duly prepared according to law and said assessment rolls were duly filed in the Office of the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing is hereby called and shall be held on the 4th day of October, 1976, at 8:00 o'clock P.M., Local Time, at the Town Hall, Town of Lancaster, at which time and place this Town Board will meet to consider the aforementioned Special Districts Budget and to hear all persons interested in the subject matter thereof and concerning the same, and

BE IT FURTHER

RESOLVED, that a Legal Notice of said Public Hearing in the following form be published in the Lancaster Enterprise-Journal once on September 23, 1976:

LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE OF SPECIAL HEARING  
ON 1977 SPECIAL DISTRICTS BUDGET

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster, New York, at a Regular Meeting held on September 20, 1976, completed its estimates and assessment roll relating to Special Districts, spreading costs on a benefit basis, and has filed same with the Town Clerk for the following Districts:

Water Supply District Number 5  
Water Supply District Extensions Nos. 9, 10 and 11 to Water District Number 1  
Water Supply District Extensions Numbers 1 and 2 to Water District No. 2  
Water Supply District Extensions Numbers 2, 3, 4, 6 and 7 to Water District Number 3  
Water Supply District Extensions Numbers 1, 2 and 3 to Water District No. 4  
Water Supply District Extensions Numbers 1, 2, 3 and 4 to Water District Number 7  
Water Supply District Extension Number 1 to Water District Number 8  
Master Water Improvement Area  
Sanitary Sewer District Number 1 - Glendale and Parkdale  
Sanitary Sewer District Number 2  
Sanitary Sewer District Number 4  
Sanitary Sewer District Extensions Numbers 1, 2, 3 and 4 to Sanitary Sewer District Number 2  
Sanitary Sewer Lateral Districts Numbers 1 and 2, and Meadowlea Estates, Lancaster Heights, Markey Avenue, South Broezel, Ronald-Charlton within Sanitary Sewer District No. 2  
Consolidated Lighting District No. 1  
Kennedy Court Speciality Lighting Lateral to Consolidated Lighting District No. 1  
Fire Protection District

NOTICE is also given that a Public Hearing on such estimates and Assessment Roll will be held on October 4, 1976, at 8:00 o'clock P.M., Local Time, in the Council Chamber of the Town Hall on Central Avenue in the Town and Village of Lancaster, at which time and place the Town Board will meet to hear and consider any persons interested in the subject matter thereof.

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF LANCASTER

ROBERT P. THILL  
Town Clerk

September 20, 1976

AND BE IT FURTHER

RESOLVED, that said Legal Notice be posted on the Town Bulletin Board, and

BE IT FURTHER

RESOLVED, that affidavits of publication and posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

~~and~~

The resolution was thereupon unanimously adopted.

September 20, 1976

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT, TO WIT:

WHEREAS, a public hearing was held on the 16th day of August, 1976,  
for the purpose of amending the Zoning Ordinance and Zoning Map of the Town of  
Lancaster, and

WHEREAS, a Notice of said public hearing has been duly published and  
posted, and

WHEREAS, the Planning Board of the Town of Lancaster and the  
Planning Consultant have recommended the rezone of the hereinafter described  
parcel of real property be denied, and

WHEREAS, the Village of Lancaster has been given Notice of such  
public hearing, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal  
Law of the State of New York, the Erie County Department of Planning has  
reviewed such application for rezone and made its recommendations thereto,

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Ordinance and Zoning Map of the Town of  
Lancaster is hereby amended and changed so that the real property hereinafter  
described is changed from an RC, Residence-Restricted Business District, to an  
M1, Light Industrial District:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town  
of Lancaster, County of Erie and State of New York,  
being part of Lot No. 11, Section 8, Township 11,  
Range 6 of the Holland Land Company's Survey, and  
being further known and distinguished as Subdivision  
Lots Nos. 167, 168, 317 and 318 according to a map  
filed in Erie County Clerk's Office under Cover  
No. 900. Said Subdivision Lots Nos. 167 and 168  
aforesaid, situate on the north side of Walden Avenue,  
(formerly Ellicott Road), corner Brandel Avenue, also  
known as Mohawk Place (a paper street), being  
approximately seventy-one (71) feet in frontage on  
Walden Avenue by seventy (70) feet in rear and having  
a length of 105.35 feet on its easterly line and  
its west line being approximately 122 feet in length.  
Said Subdivision Lots Nos. 317 and 318 aforesaid are  
approximately 70 feet by 120 feet and are located  
contiguous to and north of said Subdivision Lots  
Nos. 167 and 168

and

BE IT FURTHER

RESOLVED, as follows:

1. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 20th day of September, 1976, and
2. That this action of the Town Board of the Town of Lancaster is based upon the following compelling reasons:
  - a.) That the activity sought to be expanded by the applicant has been in existence as a non-conforming use over a long period of time and has been operated in harmony with the existing conforming uses in the area.
  - b.) The approval of this amendment to the Zoning Ordinance and Zoning Map will cause a significant increase in assessed valuation and employment opportunity.
  - c.) If the amendment were to be denied, there is a high probability that the present non-conforming use would cease and another use more harmful to the community could be commenced on these premises.
  - d.) Extension of the present non-conforming use made conforming by this amendment shall be in strict conformity with setback requirements of the Zoning Ordinance of the Town of Lancaster.
3. That a certified copy thereof be published in the Lancaster Enterprise-Journal on or before September 23, 1976, and
4. That affidavits of publication be filed with the Town Clerk, and
5. That a certified copy of this resolution be furnished to the Erie County Department of Planning within seven days of the date of this resolution in accordance with Section 239 (m) of the General Municipal Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

akx

The resolution was thereupon unanimously adopted.

September 20, 1976

LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO ZONING ORDINANCE  
TOWN OF LANCASTER

The Zoning Ordinance of the Town of Lancaster hereby is amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from and RC, Resident-Restricted Business District, to an M1, Light Industrial District:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 11, Section 8, Township 11, Range 6 of the Holland Land Company's survey, and being further known and distinguished as subdivision lots Nos. 167, 168, 317 and 318 according to a map filed in the Erie County Clerk's Office under Cover No. 900. Said subdivision lots Nos. 167 and 168 aforesaid, situate on the north side of Walden Avenue (formerly Ellicott Road), corner Brandel Avenue, also known as Mohawk Place (a paper street) being approximately seventy-one (71) feet in frontage on Walden Avenue by seventy (70) feet in rear and having a length of 105.35 feet on its easterly line and its west line being approximately 122 feet in length. Said subdivision lots Nos. 317 and 318 aforesaid, are approximately 70 feet by 120 feet and are located contiguous to and north of said subdivision lots Nos. 167 and 168.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ , TO WIT:

WHEREAS, up to 100% Federal funding may become available in the very  
near future under the proposed Public Works and Economic Development Act of  
1976, and

WHEREAS, the Town of Lancaster is desirous of constructing certain  
public works with Federal aid on the following project:

Town Highway Department Garage

and

WHEREAS, the Town of Lancaster desires to have the application, maps,  
estimates, preliminary plans and such other documents prepared immediately and  
submitted to the Department of Environmental Conservation as soon as the  
program becomes operative,

NOW, THEREFORE, BE IT

RESOLVED, that Krehbiel-Guay-Rugg-Hall, Consulting Engineers, be  
authorized to prepare such applications, maps, estimates, preliminary plans  
and other documents for the above project and transmit same to the proper  
authorities as quickly as possible in accordance with the rules and regulations  
to be issued. Applications are to be prepared at no cost to the Town of  
Lancaster. In the event that the Town of Lancaster receives a grant, the  
Town will enter into an agreement with Krehbiel-Guay-Rugg-Hall to perform all  
necessary work required by the Federal rules at a rate for fees to be agreed  
upon.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

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The resolution was thereupon unanimously adopted.

September 20, 1976

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, a public hearing was held on the 20th day of September, 1976, for the purpose of amending the Zoning Ordinance and Zoning Map of the Town of Lancaster, and

WHEREAS, a Notice of said public hearing has been duly published and posted, and

WHEREAS, the Planning Board of the Town of Lancaster and the Planning Consultant have recommended the rezone of the hereinafter described parcel of real property, and

WHEREAS, the Town of Cheektowaga has been given Notice of such public hearing, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and made its recommendations thereto,

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an R1, Single Family Residence District, to an RC, Residence-Restricted Business District:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 97, Township 10, Range 6 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point on the west line of Lot No. 97, which line is also the center line of Transit Road at a distance of three hundred ninety-five and eighty-four hundredths (395.84) feet south of the northwest corner of Lot No. 97 as measured along the said west line of Lot No. 97; thence easterly and parallel to the north line of Lot No. 97 for a distance of one thousand three hundred and no hundredths (1300.0) feet; thence southerly and parallel to the east line of Lot No. 97 for a distance of three hundred fifty-seven and eighty-one hundredths (357.81) feet; thence westerly and parallel to the north

line of Lot No. 97 for a distance of one thousand three hundred and no hundredths (1300.0) feet to the west line of Lot No. 97 and the center line of Transit Road; thence northerly and along the west line of Lot No. 97 and the center line of Transit Road for a distance of three hundred fifty-seven and ninety hundredths (357.90) feet to the place of beginning, containing ten and sixty-eight hundredths (10.68) acres of land more or less; EXCEPTING THEREFROM the westerly three hundred thirty-three (333) feet of the above described premises presently in the RC District,

and

BE IT FURTHER

RESOLVED, as follows:

1. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 20th day of September, 1976, and
2. That a certified copy thereof be published in the Lancaster Enterprise-Journal on or before September 23, 1976, and
3. That affidavits of publication be filed with the Town Clerk, and
4. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

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The resolution was thereupon unanimously adopted.

September 20, 1976

LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO ZONING ORDINANCE  
TOWN OF LANCASTER

The Zoning Ordinance of the Town of Lancaster hereby is amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from an R1, Single Family Resident District, to an RC, Resident-Restricted Business District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 97, Township 10, Range 6 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point on the west line of Lot No. 97, which line is also the center line of Transit Road at a distance of three hundred ninety-five and eighty-four hundredths (395.84) feet south of the northwest corner of Lot No. 97 as measured along the said west line of Lot No. 97; thence easterly and parallel to the north line of Lot No. 97 for a distance of one thousand three hundred and no hundredths (1300.0) feet; thence southerly and parallel to the east line of Lot No. 97 for a distance of three hundred fifty-seven and eighty-one hundredths (357.81) feet; thence westerly and parallel to the north line of Lot No. 97 for a distance of one thousand three hundred and no hundredths (1300.0) feet to the west line of Lot No. 97 and the center line of Transit Road; thence northerly and along the west line of Lot No. 97 and the center line of Transit Road for a distance of three hundred fifty-seven and ninety hundredths (357.90) feet to the place of beginning, containing ten and sixty-eight hundredths (10.68) acres of land more or less; EXCEPTING THEREFROM the westerly three hundred thirty-three (333) feet of the above described premises presently in the RC District.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Town of Lancaster has heretofore advertised for bids  
for Phase 1, Development, of Walden Pond Park, and

WHEREAS, said bids were duly opened on September 20, 1976, and

WHEREAS, Site Contractors, Inc. has submitted a net bid of  
\$120,675.00 for said Phase 1, Development, of Walden Pond Park, and

WHEREAS, said bid is the lowest responsible bid submitted in  
conformance with the specifications therefor,

NOW, THEREFORE, BE IT

RESOLVED, that the low bid of Site Contractors, Inc.  
in the sum of \$120,675.00 be and the same is hereby accepted, said bid being the  
lowest responsible bid submitted in conformance with the specifications relating  
thereto, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute  
the contract with Site Contractors, Inc. on behalf of the Town of  
Lancaster upon said Site Contractors, Inc. furnishing all required bonds and  
insurance.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

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The resolution was thereupon unanimously adopted.

September 20, 1976

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the County of Erie, on behalf of Erie County Sewer District No. 4, has submitted a proposed easement to make test borings and to place, replace, construct, reconstruct, relocate, operate, repair, maintain and, at its pleasure, remove sanitary and storm sewers and appurtenances thereto in, upon and across the following described land, in connection with the construction of Erie County Sewer District No. 4:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 5, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, and more particularly described as a portion of that land designated as Parcel No. M-1006 on Sheet No. 6-23 of Contract No. 6 of plans prepared by Nussbaumer and Clarke, Inc., Consulting Engineers, for Erie County Sewer District No. 4, which plans are filed in the Erie County Clerk's Office as Map No. 379 in flat File No. 1, with the right of ingress and egress thereto; said portion of land covered by this easement shall be that 30 foot wide area as shown on said filed plans.

TOGETHER with a temporary easement where applicable as shown on said plans until such time as the project shall be completed and accepted by the County of Erie.

and,

WHEREAS, said easement is required to complete construction of Erie County Sewer District No. 4,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said easement on behalf of the Town of Lancaster and that the Town Attorney be and hereby is directed to forward same to the attorneys for said Erie County Sewer District No. 4 and to the Town Superintendent of Highways.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
SUPERVISOR KEYSA	VOTED YES
COUNCILMAN METZ	VOTED YES

~~duky~~

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore duly held a public hearing pursuant to Notice duly given for a Special Use Permit for the construction and operation of a private tennis club on premises situate on the east side of Transit Road south of William Street in the Town of Lancaster, and

WHEREAS, the Planning Board of the Town of Lancaster and the Planning Consultant have filed a report and recommendation with the Town Board, and

WHEREAS, the Town of Cheektowaga has been given Notice of such public hearing, and

WHEREAS, in accordance with Section 239-m of the General Municipal Law, the Erie County Department of Planning has reviewed such application for a Special Use Permit and has no objection with respect thereto, and

WHEREAS, no one has appeared in opposition to the grant of such Special Use Permit,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, pursuant to the authority set forth in Article IX of the Zoning Ordinance of the Town of Lancaster does hereby grant a Special Use Permit for the construction and operation of a private tennis club on the following described premises:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 97, Township 10, Range 6 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point on the west line of Lot No. 97, which line is also the center line of Transit Road at a distance of three hundred ninety-five and eighty-four hundredths (395.84) feet south of the northwest corner of Lot No. 97 as measured along the said west line of Lot No. 97; thence easterly and parallel to the north line of Lot No. 97 for a distance of one thousand three hundred and no hundredths (1300.0) feet; thence southerly and parallel to the east line of Lot No. 97 for a distance of three hundred fifty-seven and eighty-one hundredths (357.81) feet; thence westerly and parallel to the north line of Lot No.

97 for a distance of one thousand three hundred and no hundredths (1300.0) feet to the west line of Lot No. 97 and the center line of Transit Road; thence northerly and along the west line of Lot No. 97 and the center line of Transit Road for a distance of three hundred fifty-seven and ninety hundredths (357.90) feet to the place of beginning, containing ten and sixty-eight hundredths (10.68) acres of land more or less.

Such Special Use Permit shall be subject, however, to the following conditions:

That the premises for which this Special Use Permit is issued shall be improved and maintained in strict accordance with development plan filed by the applicant with the Town Clerk of the Town of Lancaster dated August 7, 1976, and stamped as filed with the Town Clerk September 16, 1976, superseding any previous development plan filed with said Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

~~duky~~

The resolution was thereupon unanimously adopted.

September 20, 1976

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 4085 to 4142 Incl.	\$ 36,241.14
Special District Funds	No. 165 to 168 Incl.	\$ 18,498.53
Part Town Funds	No. 342 to 346 Incl.	\$ 1,134.59
Highway Funds	No. 972 to 992 Incl.	\$ 51,609.47
Trust & Agency Funds	No. 141 to 143 Incl.	\$ 275.00
Federal Revenue Sharing	No. 392 to 419 Incl.	\$ 4,239.22

The question of the adoption of the foregoing resolution was  
duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

~~xxx~~

The resolution was thereupon unanimously adopted.

Spetember 20, 1976

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCILMAN METZ , WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCILMAN  
 BOLENDER , TO WIT:

RESOLVED, that the following Building Permit Applications be  
 and are hereby approved and the issuance of Building Permits be and are  
 hereby authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
96	Theodore G. Kilger	6351 Transit	EXT. FR. OFF. BLDG.
97	Anthony Wojcik	4360 Walden	ER. CONCRETE BLOCK WAREHOUSE
98	Charles Huber	321 Iroquois	ER. FR. PVT. GARAGE
99	Robert Jones	6442 Genesee	DEM. FR. SIN. DWLG.

The question of the adoption of the foregoing resolution was  
 duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

~~xxx~~

The resolution was thereupon unanimously adopted.

September 20, 1976

STATUS REPORT ON UNFINISHED BUSINESS:1. Walden Pond Park - Federal Assistance Application

On September 20, 1976, the Town Board received bids on Phase 1 of this project.

2. Rezone Petition, Angelo and Fanny Arcadi

On August 16, 1976, the Town Board held a Public Hearing on this petition and reserved decision.

3. Subdivision Approval, Josela Enterprises, "Countryside Subdivision"

On February 6, 1976, the Planning Board granted preliminary approval to the subdivider for this subdivision. The subdivider must now proceed with Step 5 of "Steps for Control of Land Subdivision" and proceed with the preparation of a final plat.

4. Rezone Petition, Dennis Richards

On September 20, 1976, the Town Board approved this rezone petition. The Town Clerk was requested to remove this item from future Town Board agendas.

5. Rezone Petition, Macaluso Building Corp.

On September 20, 1976, the Town Board approved this rezone petition. The Town Clerk was requested to remove this item from future Town Board agendas.

6. Rezone Petition, Broadway Steinfeldt Inc.

On August 31, 1976, this rezone petition was amended by the petitioner and presented to the Town Board, and referred to the Planning Board for review and report.

7. Subdivision Approval, Lancaster Industrial Park

On August 16, 1976, this matter was presented to the Town Board and referred to the Planning Board, Town Engineers, and Planning Consultant for review and report.

8. Rezone Petition, Guenther H. and Eva G. Burkhardt

On August 16, 1976, this matter was presented to the Town Board and referred to the Planning Board for review and report.

9. Special Use Permit, Tennis Club - Macaluso Building Corp.

On September 20, 1976, the Town Board approved this Special Use Permit. The Town Clerk was requested to remove this item from future Town Board agendas.

PERSONS DESIRING TO ADDRESS TOWN BOARD:

None

COMMUNICATIONS

DISPOSITION

491. Assemblyman Graber to Town Board - Notification that proper authorities will be notified in regards to appointment of Dr. Ahmad Farooq as Reg. Dir. of Western New York.	R & F
492. Assemblyman Graber to Town Board - Notification of receipt of resolution regarding equitable funding of the Erie County Sheriff's Dept. and agreement with Town's position.	R & F
493. Sec'y, North Lancaster Taxpayers Ass'n. to Supervisor - Notification of opposition to resumption of aggregate mining east of Pavement Rd. and south of Genesee St. with transmittal of copies of Board minutes.	R & F Engineers Bldg. Inspector
494. Planning Consultant to Supervisor - Notification of delayed final Albany approval for Walden Pond Park with recommendation that the Town proceed with advertising for bids.	R & F
495. Dept. of Environ Quality, Erie County to Town Board - Notification that test results from Sewer Dist. #1, Glendale, Parkdale be recorded daily and submitted monthly. A summary of the three monthly operating reports should be completed and submitted, with recommendation that a device to estimate daily flow be installed.	Engineers Highway Sup't.
496. Proj. Dir, S.U.N.Y. @ Albany, to Supervisor - Notification of "Employee Relations Management Course" to be held in Albany 10/18-10/20/76.	R & F
497. Supervisor, Town of Amherst to Supervisor - Request support to amend the law so that the court costs of Town and Village courts will be assumed by the State.	Town Justice Kelleher Town Justice Dwan
498. Copy of letter from Comm., N.Y.S. Dept. of Environ. Conservation to Local Government Officials stating that any local government which has adopted a freshwater wetlands protection law or ordinance must notify the Dept. of Environ. Conser. within 30 days of such adoption and must supply a statement of its technical and administrative capacity to administer such law.	R & F
499. Barbara Zaenglein to Town Board - Notification of opposition to Arcadi Rezoning Petition.	R & F Anthony DiFilippo III
500. Copy of letter from Town Attorney to Attorney, Lancaster School District notifying them of approval of agreement with Lancaster Central School District except the 30-day cancellation clause which could be resolved by a provision for notice of cancellation 30 days prior to the completion of the particular recreational program.	R & F

COMMUNICATIONS CONT'D.DISPOSITION

501. Town Clerk to Town Board -  
Resume of actions taken in response to  
directions and resolutions of the Town  
Board meeting of 9/7/76.
502. Supervisor to Town Board -  
Notification of investment of funds in  
the amounts of \$550,000. and \$150,000.  
with dollar earnings of \$3,225.90 and  
\$1,201.67.
503. Copy of resolution from the Erie County  
Governments Ass'n requesting the Governor  
and/or the Legislative leaders in the  
Senate and Assembly to summon a Special  
Session to reduce or eliminate Social  
Services programs; enact legislation to  
increase contribution to the remaining  
programs.
504. Copy of the Planning Board Minutes for  
Meeting #14 held 9/1/76.
505. Copy of the Recreation Commission Minutes  
held 8/19/76.
506. Supervisor to Sec'y; North Lancaster  
Taxpayers Assoc. -  
Notification that the aggregate mining  
southeast of Genesee Street and Pavement  
Rd. was within the existing boundaries  
of the approved district but that the  
over burden was being placed to the west  
of the district. Requested the Building  
Inspector to check this out.
507. Town Engineer to Town Board -  
Notification that the preliminary cost  
estimate, with fees, for the Town Public  
Works Garage is estimated at \$352,800.
508. Copy of memo from Div. of Planning, Erie  
County to Town Supervisors giving notice  
of a Revolving Loan Fund Meeting to be  
held 9/30/76 in the Cheektowaga Town Hall.
509. County Executive to Supervisor -  
Request that Senators Javits and Buckley  
be contacted for their support for an  
amendment which would delete the provision  
in extending unemployment coverage to  
state and local governments.
510. Town Attorney to Town Board -  
Transmittal of reply of Erie County  
Water Authority in regards to the  
proposed interconnection of water main  
at the Lancaster and Elma Town Line, with  
notification that this matter will be  
pursued with the Town of Elma.
511. Stanley Flisek to Town Board -  
Notification of resignation effective  
January 31, 1977.

R &amp; F

R &amp; F

R &amp; F

R &amp; F

R &amp; F

Engineers

R &amp; F

R &amp; F

Attorney

Attorney

R &amp; F

COMMUNICATIONS CONT'D.DISPOSITION

- |   |  |
|---|--|
| <p>512. Chair., Conser. Comm. to Town Board -<br/>Request authorization to attend<br/>the Environmental Planning Lobby<br/>Conference for (4) members in<br/>Albany on 10/2 and 10/3/76.</p>  | <p style="text-align: center;">R &amp; F</p> <hr/> <hr/> <hr/> <hr/> <hr/>                               |
| <p>513. Sec'y, Ambulance Board to Town Board -<br/>Notification of motion passed by the<br/>Ambulance Board recommending permission<br/>be granted to the LVAC for the<br/>installation of a radio transmitter<br/>in the tower of the Town Hall.</p>                                     | <p style="text-align: center;">Engineers<br/>Police &amp; Safety Comm.</p> <hr/> <hr/> <hr/> <hr/> <hr/> |
| <p>514. Reg. Dir., N.Y.S. Dept. of Transportation<br/>to Sup't. of Highways -<br/>Notification that they have not received<br/>the signed project agreement in connection<br/>with the Safer Roads Demonstration<br/>Program and must receive a response<br/>within the next 60 days.</p> | <p style="text-align: center;">Attorney</p> <hr/> <hr/> <hr/> <hr/> <hr/>                                |
| <p>515. Copy of a Petition signed by the residents<br/>of Stony Road to the Town Board opposing<br/>the Arcadi Rezone Petition.</p>   | <p style="text-align: center;">Anthony DiFilippo III</p> <hr/> <hr/> <hr/> <hr/> <hr/>                   |
| <p>516. Dir., Senior Citizens and Chairman,<br/>Recreation Comm. to Town Board -<br/>Notification that Mary Michardzinski<br/>has resigned and recommendation that<br/>Lorraine Yuzwak be hired part-time.</p>  | <p style="text-align: center;">Attorney<br/>Recrea. Comm.</p> <hr/> <hr/> <hr/> <hr/> <hr/>              |
| <p>517. Chairman, Recreation Comm. to Town Board -<br/>Notification that the Girls Teen Club<br/>Meetings will begin 9/20/76 with the<br/>same staff at the same location.</p>  | <p style="text-align: center;">R &amp; F</p> <hr/> <hr/> <hr/> <hr/> <hr/>                               |
| <p>518. Dir. of Recreation to Town Board -<br/>Notification that Mike Babiarz is<br/>unable to fill position for maintenance<br/>work at Town Center and situation is<br/>being pursued.</p>  | <p style="text-align: center;">R &amp; F</p> <hr/> <hr/> <hr/> <hr/> <hr/>                               |
| <p>519. Copy of memo from Erie County giving date,<br/>time, and place of various public meetings<br/>concerning the Revaluation Project.</p>   | <p style="text-align: center;">Supervisor<br/>R &amp; F</p> <hr/> <hr/> <hr/> <hr/> <hr/>                |
| <p>520. Recreation Commission to Town Board -<br/>Recommendation that some renovation<br/>should take place to Keysa Town Pool<br/>with estimate about \$27,000.</p>  | <p style="text-align: center;">Budget Comm.</p> <hr/> <hr/> <hr/> <hr/> <hr/>                            |
| <p>521. Anthony DiFilippo, III, to Town Board -<br/>Request that the Arcadi Petition<br/>scheduled for 9/20 be adjourned so<br/>that the petitioners have an opportunity<br/>to study the problems.</p>   | <p style="text-align: center;">R &amp; F</p> <hr/> <hr/> <hr/> <hr/> <hr/>                               |
| <p>522. Copy of memo from N.Y.S. Parks and<br/>Recreation to Bob Kesil advising that the<br/>final plans and specs have been approved by<br/>Development and by Historic Preservation in<br/>regards to Walden Pond Park.</p>   | <p style="text-align: center;">R &amp; F</p> <hr/> <hr/> <hr/> <hr/> <hr/>                               |

COMMUNICATIONS CONT'D.

DISPOSITION

523. Supervisor to Town Clerk -  
Transmittal of two copies of the  
1976 Budget Officers Tentative Budget  
for Special Districts.

R & F

524. Copy of a letter from Councilman Barnhardt  
to residents of Ransom Road stating facts  
in relation to the Martin Badding accident.

R & F

ADJOURNMENT:

ON MOTION OF COUNCILMAN BARNHARDT, AND SECONDED BY THE ENTIRE  
TOWN BOARD AND CARRIED, the meeting was adjourned at 9:45 P.M.

Signed

*Robert P. Thill*

Robert P. Thill, Town Clerk